

process of reporting and reviews using the new format developed for the FY 2012-2013 PPA. We look forward to implementing a more streamlined PPG work plan for future process reports, please report on each commitment against the PPG work plan

Included please find a detailed summary of our comments on each PPG funded activity. In addition, we have updated the Water Program review comments to include the results of joint evaluation teleconferences with Illinois that recently took place. Please note the requests for follow up and provide your responses to Richard Cox, your PPA/PPG program manager, at cox.jrichard@epa.gov.

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Dear Mr. Kim:

John J. Kim  
Interim Director  
Illinois Environmental Protection Agency  
P.O. Box 19276  
Springfield, Illinois 62794-9276

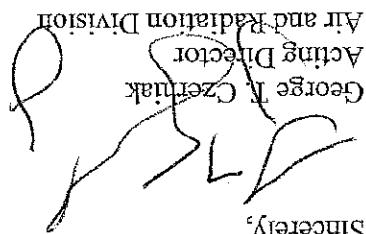
REPLY TO THE ATTENTION OF

APR 05 2012

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
7 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590



Enclosure



George T. Czerwinski  
Acting Director  
Air and Radiation Division

Sincerely,

I look forward to our continued joint efforts to protect public health and the environment in the State of Illinois. Should you have any questions or wish to discuss EPA's comments on your report, please feel free to contact me at 312-353-2212 or your staff may contact Mr. Cox, at (312) 886-6072, or [cox.jrichard@epa.gov](mailto:cox.jrichard@epa.gov).

cc: Laurel Kroack, Chief  
Bureau of Air  
Illinois EPA  
Scott Phillips, Chief  
Bureau of Land  
Illinois EPA  
Marcia T. Willhite, Chief  
Bureau of Water  
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Richard Coffman  
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Illinois EPA  
Deirdre McQuillen  
PPA Coordinator  
Illinois EPA  
Dermot Quinn  
Illinois EPA

Comments on Illinois Environmental Protection Agency's (IEPA) Annual Evaluation Report for Fiscal Year (FY) 2011 Performance Partnership Grant (PPG)

Joint Environmental Priorities

U.S. Environmental Protection Agency

Region 5

Comments on Illinois Environmental Protection Agency's (IEPA) Annual Evaluation Report for Fiscal Year (FY) 2011 Performance Partnership Grant (PPG)

Midwest Clean Diesel Initiative - Illinois Green Fleets Program

Waukagan Harbor Joint Priority is also funded outside of the PPG by a number of Great Lakes Restoration Initiative grants, state and local agencies, and the Non-Governmental Organization community.

This program is funded under other grant programs.

The Waukagan Harbor Joint Priority is funded under the Work Plan Agreement in February of 2011. CAFQ program IEPA and EPA entered into the Work Plan Agreement in February of 2011. While IEPA reported on its activities as part of this agreement for the CAFQ program these activities are part of the separate Work Plan. EPA and IEPA discussed CAFQ permitting during the March 6, 2012 Water Program Joint evaluation teleconference. EPA appreciates the hard work IEPA has put into CAFQ permits. All parties agreed that progress had been made. EPA emphasized the main outstanding item relating to CAFQs is the inventory. EPA would like EPA to complete the inventory by December 2012. EPA added that they are working on identifying about 25 facilities to inspect. The parties agreed to a conference call in the near future to coordinate CAFQ permitting. Also, EPA still needs to finalize the CAFQ rule and a standard Operating Plan for permit processing. The parties agreed to reexamine the CAFQ work plan in 2013.

Carbon Sequestration

The Air Permit Title V program is not funded under this PPG. For the Air Permit Title V program EPA and EPA entered into a Work Plan Agreement in February of 2011. EPA has met the milestones of the Work Plan to date. EPA will continue to work with EPA on improving Title V permit issuance and quality consistent with the February 2011 Work Plan Agreement. EPA has met the New Source Review/Prevention of Significant Deterioration (NSR/PSD) commitments within the PPA.

#### Air Permit Program (page 3)

With regard to the other clean air maintenance and redesignation commitments in EPA's FY 2011 EOY report, EPA has properly addressed these issues and clarified the current status.

EPA has also submitted the indicated fine particulate (PM2.5) redesignation requests for Chicago and Metro-East St. Louis. EPA has no comments on these submittals at this time, but is currently moving to rulemaking on these submittals (although we are working on them for the Chicago area) because of a court-ordered stay on EPA's Cross-State Air Pollution Rule (CSAPR).

EPA has met its commitments to submit maintenance plans and redesignation requests for the Chicago and Metro-East St. Louis ozone nonattainment areas, as described in the report.

#### Criteria Pollutants - Ozone and PM 2.5; 8-Hour Ozone Nonattainment Planning and NO<sub>x</sub> and VOC RACT (page 1)

### AIR PROGRAMS

At this time, EPA is analyzing two sets of nutrient related data for the Nutrients Joint Priority. EPA expects one analysis to be completed by April 2012. EPA anticipates the second analysis to be finished by late summer of 2012. EPA needs to clarify the following items: whether it will adopt nutrient standards and when, whether it will set effluent limits using waste load allocation decisions derived from Total Maximum Daily Load (TMDLs); whether it proposes to use watershed-based activities to set nutrient effluent limits in permits in impacted waters or rely on TMDLs; and, set a time frame for drafting technical procedures to set nutrient effluent limits in permits.

#### Nutrients

Also, EPA may formally review the on-line Class 6 permit applications. Finally, EPA will keep EPA informed of any training opportunities, and EPA agreed that attending would be beneficial.

Justice issues; and, working together on suspending the Archer Damiles Midland (ADM) Class I permit.

**Class V Wells (page II)**

EPA's commitments under this task have been met.

**Class I Wells (page II)****Bureau of Land Nonhazardous Solid Waste Management****WATER PROGRAMS**

The only Superfund remedial project mentioned in the PPA is the Waakegan Harbor site and the narrative is accurate. Any Superfund remedial agreements that EPA has with EPA are covered under either site specific or multi-site cooperative agreement outside the PPA process.

**SUPERFUND PROGRAM**

Figures are correct and ask that EPA review these figures and verify to EPA that these are priority facilities or CA400, so no goals exist for these measures. EPA believes that these responses (ORCR/OSWER) is no longer tracking CAT25 high priority facilities, CAT50 high priority facilities or CA400, so no goals exist for these measures. EPA believes that these are correct.

CA725 for all facilities	74%	Goal	Achieved
CA750 for all facilities	65%		
CA550 for all facilities	39%		
CA725 for all facilities	41%		

2020 Goals are updated annually and for FY 2011, the Goals and goals Achieved were:

\*Need to update RCRA-Info to show CA400 achieved 40 percent of facilities.

CA725 for all facilities	69%	Goal	Achieved
CA725 for high priority facilities	100%		
CA750 for all facilities	65%		
CA750 for high priority facilities	82%		
CA400 for all facilities	34%		*
CA550 for all facilities	31%		

EPA provided the following numbers:

EPA is reviewing EPA's list, and plans to act on both the FY 2008 and FY 2010 lists in FY 2012. EPA and EPA spoke during the March 6, 2012 Water Program joint evaluation teleconference call about 305(b)/303(d) reporting. EPA officials felt they needed a separate

#### **305(b)/303(d) Reporting (page 14)**

#### **Bureau of Water Objective: Assess Surface Waters**

EPA's commitments have been exceeded. EPA submitted a test flow of data which was successful. EPA will continue to work with EPA toward full integration with the national system and the ability to flow information on Class I and Class V. EPA plans to meet internally on Quality Assurance for the UIC National Database in spring 2012.

#### **National UIC Database**

During the February 24, 2012 Water Program joint evaluation call on UIC, EPA and EPA agreed to work together to help EPA develop a more comprehensive self assessment.

EPA has met the overall commitments by submitting an annual well inventory in December 2011 and data for the UIC Program Activity Measures (PAMs) on March 2, 2011 and October 4, 2011. However, with regards to the EPA's self assessment report for the UIC program, EPA did not discuss all aspects of UIC as described in the PPA.

#### **UIC State Reporting (page 11)**

- submit to EPA the write-ups on Class V wells;
- forward updates to EPA unless they contain enforcement sensitive information; and,
- continue to evaluate Class V wells for source water protection.

During the February 2, 2012 joint evaluation call on UIC, EPA and EPA agreed on coordination for FY 2012. EPA will continue to support the Class V Well Program during FY 2012. EPA will accomplish the following:

EPA continues to cite a lack of resources as the reason it can regulate the specific requirements for Class V wells. While EPA completed the Environmental Results Program did not follow-up on the Class V wells identified. Similarly, while EPA maintains the Class V inventory it does not actively seek out violating facilities or coordinate with other programs that may be exercising control over these facilities. EPA prefers to work with EPA in an effort to build state capacity such that EPA is able to implement its own program. EPA believes this is possible using stepwise approaches and with EPA's buy-in. It is imperative that our agencies work together to establish a more permanent solution to Class V well regulation.

EPA continues to implement EPA's Class V program which is an unintended consequence of the Illinois Mutual Benefits Project.